

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----	X	
UNITED STATES OF AMERICA,	:	
	:	<b><u>ORDER</u></b>
Plaintiff,	:	08 Cr. 240 (BMC)
- against -	:	
THOMAS GIOELI,	:	
Defendant.	:	
-----	X	

COGAN, District Judge.

Before me is the Government's June 22, 2012 motion for leave to file a letter from an alleged victim *ex parte* and under seal,<sup>1</sup> and defendant Gioeli's corresponding [1604] motion to compel. Both motions are hereby DENIED as moot, as I am returning the letter to the Government and will disregard it.

Approximately 15 minutes prior to defendant's bail hearing on June 22, 2012, the Government submitted a letter addressed to me from an alleged victim of the defendant, who wishes to remain anonymous, along with a motion requesting that the letter be filed *ex parte* and under seal in order to protect the author's privacy and safety. After a cursory review of the letter, I noted on the record at the hearing that the letter was not relevant to defendant's bail application. Defendant has since moved to compel production of that letter, and the Government has requested that I instead disregard it. I have not reviewed the letter since defendant's bail hearing, and I have no specific recollection of its content other than its general tenor that defendant deserves to be imprisoned for his crimes. It is immaterial to my determination of the sentence

---

<sup>1</sup> The Government's motion is attached as Exhibit A to its [1608] response in opposition to defendant's motion to compel.

and I will not consider it in connection with sentencing or for any other purpose. I therefore will allow the author to remain anonymous and will return the letter to the Government. See In re Grand Jury Proceedings, No. M-11-189, 2001 WL 1167497, at \*1 (S.D.N.Y. Oct. 3, 2001) (permitting Government to withdraw *ex parte* submission).

**SO ORDERED.**

s/ BMC

---

U.S.D.J.

Dated: Brooklyn, New York  
July 17, 2012